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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Donald J. KYLE et al.

Confirmation No.: 8122

Serial No.: 10/625,708

Art Unit: 1624

Filed: July 24, 2003

Examiner: Kahsay Habte, Ph.D.

Title: THERAPEUTIC AGENTS USEFUL
FOR TREATING PAIN

Attorney Docket No: 6750-174-999
(CAM No.: 305158-999172)

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP § 713.04, Applicants submit the following statement of the substance of the Examiner-initiated telephone interview of Tuesday, May 2, 2006 ("the Interview") between Primary Examiner Kahsay Habte, Ph.D. and Applicants' representative, George A. Senich, in connection with the above-identified patent application.

Examiner Habte telephoned Applicants' representative Samuel B. Abrams on Friday, April 28, 2006 and a brief discussion was had in connection with the above-identified patent application. Thereafter, on or about Tuesday, May 2, 2006, Mr. Senich and Examiner Habte communicated telephonically in more detail. During the Interview, Examiner Habte indicated that an Office Action for the above-identified patent application had recently been mailed (on April 27, 2006) but after mailing it was discovered that an incorrect translation of a reference had been discussed therein and included with that Office Action. Examiner Habte explained that the correct reference translation was in the process of being obtained. When the correct reference translation becomes available in several weeks, Examiner Habte stated he would review it, reconsider the current Office Action, make any required revisions thereto and/or withdraw the current Office Action (as required), and issue a new Office Action (as

required). Mr. Senich proposed that the final deadline to respond to any outstanding Office Action for the above-identified patent application be reset to six (6) months after a final resolution of the translation problem, possibly by the mailing of a new Office Action; Examiner Habte agreed to this proposal. Consequently, pending a future communication expected from the USPTO in connection with the above-identified patent application, Applicants intend, temporarily, to postpone filing their response to the outstanding Office Action mailed on April 28, 2006.

This Statement of the Substance of the Interview is not to be construed as a response to the outstanding Office Action mailed on April 28, 2006. Applicants intend to consider any new and/or revised Office Action when it is received and, as required, file their response thereafter.

Applicants respectfully request that the present statement be entered and made of record in the above-identified patent application.

Applicants believe that no fee is due in connection with this submission. However, should the Patent Office determine that a fee is due, please charge the required amount to Jones Day Deposit Account 50-3013.

Respectfully submitted,

Samuel B. Abrams

Date: May 12, 2006

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